

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

TRACY LEE AS THE ADMINISTRATRIX OF
THE ESTATE OF KEITH LEE AND ON BEHALF
OF ALL WRONGFUL DEATH BENEFICIARIES
OF KEITH LEE, DECEASED

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:11-cv-165(DCB)(JMR)

YAZOO COUNTY, MISSISSIPPI; TOMMY
VAUGHN, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS SHERIFF OF
YAZOO COUNTY, MISSISSIPPI, AND
JOHN AND JANE DOES 1-10

DEFENDANTS

ORDER

This cause is before the Court on defendant Yazoo County, Mississippi's motion to dismiss state law claims (**docket entry 9**). Having carefully considered the motion, and the record in this case, the Court finds as follows:

Defendant Yazoo County moves for dismissal of all state claims against it on grounds of state governmental entity immunity pursuant to the Mississippi Tort Claims Act, Miss. Code Ann. § 11-46-9(1)(m). After Yazoo County filed its motion, the plaintiffs sought and were granted leave to amend their complaint. Because the complaint was amended, the Court finds that the motion to dismiss should be denied without prejudice so that Yazoo County can re-urge its motion specifically as to the Amended Complaint. Accordingly,

IT IS HEREBY ORDERED that defendant Yazoo County, Mississippi's motion to dismiss state law claims (**docket entry 9**)

is DENIED WITHOUT PREJUDICE.

SO ORDERED, this the 17th day of September, 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE